

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

PHILLIP MIDDLETON, on behalf of      )  
himself and all others similarly situated      )  
    )  
Plaintiff                                      )  
    )  
v.    )      Case No 2:16-cv-00008-JPJ-PMS  
    )  
A&G COAL CORPORATION and      )  
SOUTHERN COAL CORPORATION      )

**ORDER OF VOLUNTARY DISMISSAL**

This day came the plaintiff, Phillip Middleton, on behalf of himself and all others similarly situated, by counsel, and moved the Court, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure to hereby dismiss the plaintiff's Complaint and all causes of action arising therein, without prejudice.

It is accordingly, **ORDERED** that this cause is dismissed by voluntary dismissal, without prejudice, and stricken from the active docket of the Court.

Enter this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Judge

Requested:

/s/ Correy A. Diviney  
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Counsel for Phillip Middleton, on behalf  
of himself and all others similarly situated

**CERTIFICATE OF SERVICE**

I hereby certify that this 5th day of May, 2016, I electronically filed the foregoing Order of Voluntary Dismissal with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

s/Correy A. Diviney  
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